

Law Enforcement News

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New duties for some police, new problems for their agencies

Reserve & Guard call-ups could hurt manpower-strapped PDs

By Jennifer Nislow

With the activation of thousands of military reservists and National Guard units in the days following last month's terrorist attacks on the World Trade Center and the Pentagon, the questions facing law enforcement agencies, as they prepared themselves for the temporary loss of both sworn and civilian personnel, were how many, and for how long?

On Sept. 15, President Bush authorized the mobilization of 35,000 reservists, with the possibility that as many as 50,000 from all branches of the service could be called up. The first wave of reservists and guardsmen have already begun helping with the clean-up and search and recovery operations at the World Trade Center, and others are flying air patrols over New York and Washington. Nearly 200 Air Force reservists have been assisting in the identification of at least 124 people killed when American Airlines Flight 77 crashed into the Pentagon. Some 2,500 Army reservists are on active duty as military police officers and mortuary workers.

A number of state chiefs association said that as long as the number remains at 50,000, it should not have a major impact on departments. In Washington, the State Patrol has 56 troopers, including detectives, sergeants and one commander, who have been activated. However, if additional reservists need to be called up, or the situation requires an extended period of active duty, then there could be a problem. Some of those called up are in key positions, noted Larry V. Erickson, executive director of the Washington Association of Sheriffs and Police Chiefs.

"I don't have any exact figures but I do know there have been some concerns among the chiefs and sheriffs about how many people they could lose," he told Law Enforcement News. "Some of the people are bomb technicians and so on."

And some are even police chiefs.

Tide of bomb threats climbs in aftermath of terror attacks

While New York state law makers increased the penalties for planting a fake bomb or making a prank bomb threat just days after the terrorist attack on the World Trade Center, still, law enforcement can only do what it can do. Even the New York City Police Department, which has its own elite bomb squad and does not depend on state police or other agencies for assistance in handling explosive devices, cannot respond to every call — especially when dozens are phoned in, as they were during that week, causing evacuations of Grand Central Terminal, the Port Authority bus terminal and the Empire State Building, among other buildings.

"For the bomb squad to respond to every bomb threat would be impossible," said Brian Murphy, director of security at John Jay College of Criminal Justice and a member of the NYPD's bomb squad from 1985 to 1989. "It's a small unit. I don't know what their number is now, maybe in the 20s, but at any given time, they generally have six to eight people working."

Until Sept. 11, the workload justified the numbers, Murphy told Law Enforcement News. It's different now. "I can see them [the NYPD] increasing the number, maybe even doubling it." In the past, he noted, the department did not trace a bomb threat unless there was a bomb. "On a general threat, they don't have the

resources to trace everyone," said Murphy.

The NYPD's bomb squad does not respond to direct calls from the public. If there is a bomb scare, it is handled at the precinct level as a regular radio run. Once an evaluation determines that the threat is real, the Emergency Service Unit is called in to assist in the search for the device. "If they really feel there is an explosive device," said Murphy, "then they call in the bomb squad."

To whatever extent possible, the bomb squad uses remote devices, such as robots. The device is taken in the bomb disposal truck to an outdoor range in the Bronx, where

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Pittsburgh Chief Robert W. McNeilly, a second-class petty officer in the Coast Guard Reserve, has already been called to active duty for 30 days. He is one of 27 reservists in the department. During his absence, Deputy Chief Charles Moffat will take over.

"As soon as I saw the terrorist acts on Tuesday, I had a feeling I would get the call," said McNeilly to The Associated Press.

In Wisconsin, two departments were abruptly left in limbo when Hortonville Police Chief Steve Linton was called to active duty with the Naval Reserve. Linton had accepted an offer to become the chief of the six-officer department in Cumberland, and was awaiting a ratification vote by the Cumberland City Council before formally resigning in Hortonville.

The previous chief in Cumberland, Bruce Carlson, retired in April.

Chief Robert G. Jones of the Great

Falls, Mont., Police Department, a former president of his state chiefs association, said law enforcement is currently looking at only a modest impact because the portion of reservists being activated right now is not large.

"If this goes long term, then the potential for law enforcement could increase by activating additional people for replacement in particular units," Jones said in an interview with Law Enforcement News. "It's also predicated on the on the fact of what type of reserves and guardsmen they're calling up, i.e., security police, those kinds of individuals," said Jones. "They also play a part in the types of reservists or guardsmen we have in our institutions."

Thomas A. Hendrickson, the executive director of the Michigan Association of Chiefs of Police, agreed. "I don't think, just doing the mathematics, it's going to affect departments," he said. "If they call up additional reservists, we

will have to look at that."

Police departments, especially smaller ones, that are already struggling to fill their ranks in the grip of an ongoing recruitment crisis may find themselves hard-pressed to fill positions if a reserve call-up continues for any length of time. Increased overtime, schedule adjustments and stricter vacation policies will only serve as a stopgap measure, said Rutland County, Vt., Sheriff R.J. Elrick, who is president of that state's sheriff's association.

"Many of us are doing that already," he told LEN. "Many of us are in a position where it's not a matter of having the vacant positions to hire people, or having the money to hire people, we have those things. The problem is that the hiring pool is so poor at this point. You can only stretch people so thin," he said. "In this line of work, as you know, we're talking about a person who

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Suffrage suffers:

Chief puts right to privacy over right to vote

It is not only convicted felons who can lose their right to vote. Sometimes police chiefs can, too — if only by default.

With the voter registration rolls in Durham County, N.C., being posted on the Internet starting this fall, Durham Police Chief Theresa Chambers said she no longer feels as though she can vote and will ask to be removed from the voter roles.

"It is not online yet, but they intend to put it online in October," Chambers told Law Enforcement News. "It goes against everything we've learned about trying to keep our families out of danger. We might have signed on for the

job, but our families didn't."

The voter-registration list posted by the Durham County Board of Elections will include voters' names, political affiliations and addresses. Elections director Mike Ashe and County Manager Mike Ruffin said the information should be public, as it is in several other counties in the state. Placing it on the Internet will make it more easily accessible and will cost virtually nothing, said Ashe.

"The information we want to put on the Internet is already available 100 percent, completely, to anyone," he told The (Durham) Herald-Sun. By law, the elections office must honor any request

for information about an individual voter regardless of the purpose behind the request.

But there is a big difference, Chambers and her officers maintain, between gathering the information and looking it up in the privacy of one's own home. Last month, a contingent of Durham officers showed up at a commissioners' morning work session to protest the change.

"Our concern is very simple," Sgt. N.A. Miller, senior vice president of the Police Benevolent Association's Triangle Chapter, told The Herald-Sun. "If you know my address, you know what elementary school I'm zoned in. If you

know my school zone, you know which elementary school my little girl's going to, all from the privacy of a computer."

Putting the information on the Web makes it too easy for criminals, added Mike Petrone, president of the Durham Police Officers' Association.

Chambers said that lawmakers are currently looking for a bill that would allow people to opt out of the public posting of their addresses if they are either the victim of domestic violence or stalking, or by court order. "I think the pendulum will swing," she said. "It's starting to get some federal attention."

Chambers waged a successful campaign in 1999 against the City Council offering name searches on Durham's land-records Web site. Those looking at a particular piece of property could look it up by typing in the address. Although they might notice that it is owned by a police officer, the feeling was that the query under those circumstances was probably legitimate, she told LEN.

Later that year, however, the county reversed that decision, putting name searches on its Register of Deeds site. Chambers has since been looking for a house to rent. Even as a secondary

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Around the Nation

Northeast



CONNECTICUT — The Hartford Police Department's high bail policy has been revoked after 20 people charged with drug possession at concerts by the Dave Matthews Band spent a weekend in jail awaiting arraignment — more time behind bars than if they had been convicted. The policy called for cash-only bonds of \$150,000 for possession of drugs with the intent to sell and \$250,000 for those with a criminal record and possessing drugs.

An increase in police presence in Hartford, taken in response to the death of a 7-year-old girl who was caught in a gunfight between drug dealers, has helped to abate the crime rate in some city neighborhoods. Reports of serious crime in the city were down by 11.5 percent from July 8 to Aug. 4, compared with the same period a year earlier. Some officers, however, fear that the relative calm will discourage officials from fully staffing police ranks. The department is about 40 officers short of its authorized strength of 460.

With help from the police, the Enfield Public Library is lending engraving tools to residents who wish to mark identification numbers on their valuables. Library patrons who use the equipment will also be given stickers to put on their doors or windows to let others know that property inside the house has been marked.

Cromwell police joined a handful of departments in the state when they recently added Taser stun guns to their arsenal. The town is spending about \$5,400 on the purchase of five stun guns and training in their use.

MAINE — Waterville Police Chief John E. Morris has been asked by the U. S. Department of Justice to teach supervisory and management skills to officials of a developing police force in the recently independent nation of East Timor. Morris, a veteran police trainer, said that he looks at the East Timor project as good for the city of Waterville: "It shows that we're a police department with a vision."

MARYLAND — Despite an agreement for Baltimore police to return to participation in the HotSpot program, with the state paying the full operating cost of \$2.2 million a year, the dispute over the program has caused a gulf between city and state officials. Baltimore Mayor Martin O'Malley called the program a "vestige of Baltimore's failed policing policies," while the program's leading proponent, Lieut. Gov. Kathleen Kennedy Townsend, said that the mayor's zero-tolerance crime-fighting plan leaves the city's poorest neighborhoods out in the cold. The statewide program provides funds for everything from after-school programs to neighborhood watch groups.

MASSACHUSETTS — Police in Framingham are tightening an already restrictive alcohol policy. In the fall, alcohol servers will wear badges that read "1/248", meaning that they are among the 1,248 trained servers registered with the Framingham Police Department. The community was the first

in Massachusetts to require every alcohol server to complete a training course and then register with police. Police will also continue their sting operations to catch businesses that serve alcohol to minors and people already intoxicated.

An officer exchange program between Oak Bluffs on Martha's Vineyard and Holden, a suburb of Worcester, is showing officers another side of life. The exchange, a pet project of Holden Chief George R. Sherrill was welcomed by his counterpart in Oak Bluffs, Joseph A. Carter. Both men think the program can boost morale, stimulate officers to think outside the box, and help reduce fatigue and burnout.

Boston police reported that major felonies dropped by 6 percent in the first six months of the year, to a 30-year low. Homicides, however, are on a track to outpace last year's total, with 34 as of Aug. 10, compared to 37 in all of last year. Commissioner Paul Evans said that the police are concentrating their efforts in the city's most crime-ridden neighborhoods.

NEW JERSEY — An unidentified state trooper, who pulled over a van for speeding on the New Jersey Turnpike, turned around and walked away without saying a word or issuing a ticket when he realized that the van's driver was his boss, State Police Superintendent Col. Carson Dunbar Jr. The superintendent said he wished he had been given a ticket if he was doing something wrong, but the president of the state troopers' union, Ed Lennon, said that troopers take care of their own, within reason. "Whether it's the colonel or the last state police academy graduate, I wouldn't expect any trooper to give another a ticket," he said.

Jersey City Mayor Glenn Cunningham is considering dismantling a network of video surveillance cameras that were installed on an experimental basis last spring, at a cost of about \$600,000. Seventeen cameras were put up along the main streets of the predominantly black Greenville section, neighborhood, in an initiative pushed by former mayor Bret Schundler. Cunningham, a former police officer, believes that cameras are a poor substitute for patrols.

South Brunswick Police Officer Steven Walrond was seriously injured Aug. 13 when he was struck by lightning while watching recruits run around the track at the Somerset County Police Academy. Walrond was struck in the head by a bolt of lightning that may have hit the metal badge on his police hat. Walrond was hospitalized in stable condition with burns to his head.

NEW YORK — Troy police are trading in their old 9mm. guns for new .45-caliber weapons. The new weapons are heavier, more accurate, and have less of a kick and bigger bullets that provide a powerful punch. The new weapons carry 25 rounds, compared to 44 in the old ones. The 115 new guns cost \$84,000, but the city saved \$30,000 with trade-ins on the old weapons.

New York City Police Commissioner Bernard Kerik, in a declaration of loyalty to Mayor Rudolph Giuliani, has announced that he would step down from his post at the end of the year. "When the mayor leaves, I leave,"

Kerik said. Four of the six candidates vying to replace Giuliani as mayor have said they would consider keeping Kerik as the top cop.

An experimental program that returns fugitives who are hiding upstate to face charges in New York City is expanding. State police and upstate prosecutors said that the program, which has been running for just six months, has already been a success, with 62 fugitives being delivered from Albany, Schenectady and Rensselaer counties to New York City authorities. The program is being expanded to Columbia, Fulton, Greene, Montgomery, Saratoga and Schoharie counties.

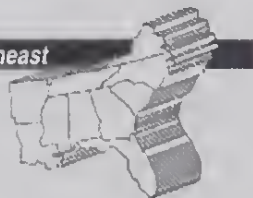
Paul Overbaugh, 30, pleaded guilty Aug. 15 to falsely reporting that he had been beaten by Schenectady police during an arrest on a burglary charge. An investigation of medical records, audio recordings and witness accounts showed the complaint was false.

PENNSYLVANIA — The number of homicides in Allegheny County and in the city of Pittsburgh has risen this year and authorities are having difficulty prosecuting many cases because witnesses are unwilling or afraid to testify. Officials are discussing how to find more government money to bolster the city's witness protection program. Eighty percent of the program's \$60,000 budget for this year had already been spent as of mid-August. The money has been used to house, feed, transport and even treat the drug problems of 10 homicide witnesses.

In a nod to a slain Aliquippa police officer, the U. S. Immigration and Naturalization Service has given his widow permission to work in this country. In addition, the Department of State has told Gallina Naim that it is waiving the remaining four months of her commitment to spend two years in Bulgaria in return for a United States college education. She has filed an official request for permanent resident status based on the fact that she is the widow of a U. S. citizen. Her husband, Officer James Naim, was shot and killed on March 15.

RHODE ISLAND — The Burrillville Police Department has received a new noise meter, which will be used by officers to enforce a new town anti-noise ordinance. Noise complaints are said to be among the most common complaints received by the department. Violators of the new ordinance face a fine of up to \$100 for a first offense and up to \$500 for a subsequent offense.

Southeast



FLORIDA — Mark Joseph Wallach was arrested Aug. 10 on charges of falsely impersonating an officer, engaging in a criminal offense with a firearm and prohibited use of a blue light, after stopping a motorist who turned out to be a dispatch supervisor for the Indian River County Sheriff's Office. Sandy Fox asked Wallach why she was being stopped and he responded that he needed to ask her some questions. Fox told Wallach that she was a dispatcher and that she didn't recognize him. He told her he worked for the state and then

walked away. The next day, Fox reported the encounter and picked Wallach's photo out of a lineup.

After a rape victim was arrested on minor criminal charges, St. Petersburg police officials have revised the policy on handling such incidents. The detective interviewing the 29-year-old victim found that she was wanted on three outstanding warrants for not paying a fine for driving under the influence, not appearing in court to face charges of not having a dog license, and not having her two daughters attend elementary school. At the time, police had no choice but to arrest the woman. Under the new policy, the arresting officer must notify a high-ranking supervisor who will relate the facts of the case to a prosecutor, who in turn will notify a judge if necessary. The judge would then decide whether the crime victim would go to jail.

Peter Carlisi, who was suspended as a Fort Pierce police officer after he ate candy-bar evidence in May, was fired Aug. 9 for a second offense — taste-testing a white powdery substance at a June crime scene. Carlisi stuck his finger in some white powder at a crime scene, thinking it was cornstarch or flour. Police Chief Eugene Savage said that might be what they do on TV, "but you don't do that in reality."

GEORGIA — Former Muscogee County jail officer Michael Foster, was sentenced Aug. 10 to probation, community service and a \$1,000 fine for exposing an undercover police officer's identity during an illegal gambling investigation. Foster, a 12-year veteran, has lost his job and his pension.

LOUISIANA — The Alexandria Police Department lost a member of its mounted patrol on August 13 when a 9-year-old horse, Paige, died as she stood tethered to a street lamp. Police said the horse was likely electrocuted as she may have brushed up against a group of loose, uncovered wires attached to the pole.

The Baton Rouge Police Department has formed an internal community policing steering committee and has participated in the community policing task force — a group of residents, police and public officials guiding the development of community policing. A series of public meetings have been held, but police officers frequently often outnumber residents in attendance.

A tougher, more detailed stalking and harassment law, which took effect on Aug. 15, now protects citizens from virtually any type of communication or act that causes them to feel alarmed or emotionally distressed. The new law was prompted by a case in which a young woman was stalked by a patient at the chiropractor's office where she worked. He never made any direct threats and his messages all said "I love you," but the woman's life was ruined for months.

MISSISSIPPI — With the town's Hispanic population growing, officers in Moss Point will soon be taking a four-month Spanish program. Currently, police often turn to personnel at Naval Station Pascagoula to translate. The class is sponsored by the city library.

SOUTH CAROLINA — Officials in

South Carolina say they are fed up with a Savannah, Ga., hospital that does not perform blood-alcohol tests on patients suspected of driving under the influence. Scott Regan, a spokesman for the Memorial Health University Medical Center, said its busy emergency department just doesn't have the time to do DUI blood tests — "not South Carolina, not Georgia, not anybody."

TENNESSEE — A preliminary injunction was issued Aug. 16 that restored the sergeant's rank to 59 city police officers who lost it after a federal judge had invalidated the promotional test they took. U.S. District Judge Jon. P. McCalla said he never ordered the city to demote the sergeants. The city argued that the city charter states any employee promoted must take a valid, competitive test and the officers were not demoted but rather had their promotions were "rescinded."

VIRGINIA — The Virginia Beach Police Department has relaxed its policy on chasing suspects. In 1998, in the wake of a series of chases that resulted in deaths and injuries, then-police chief Charles R. Wall banned pursuits for virtually any reason while the policy was revised. Under the new policy, officers involved in a chase will be allowed to run red lights and stop signs with their flashing lights and sirens on, and will have more leeway to join pursuits that begin in other cities and lead into Virginia Beach.

In the wake of a state budget stalemate that sliced into local revenues, Montgomery County officials hope to save money by refurbishing high-mileage patrol cars and other county vehicles instead of immediately buying new ones. The county is still negotiating a contract to refurbish cars and plans to send vehicles, two at a time, away to receive new transmissions, engines, brakes and tires.

Midwest



ILLINOIS — On Aug. 1, a controversial new law took effect in Elgin that allows officers to tow cars that blast music loud enough to be heard from more than 75 feet away. In addition to fines ranging from \$100 to \$500, violators could be assessed storage fees of \$65 to \$125 by the towing company.

Chicago Police Officer Eric D. Lee, a nine-year veteran, was shot in the head and killed on Aug. 19 while responding to a fight in an alley on the city's South Side. Police arrested Aloysius Oliver, a known gang member and a twice-convicted felon, and charged him with first degree murder. Lee, 37, was the second Chicago officer killed in the line of duty in less than two months, and the fifth in three years. All were tactical officers under the age of 40.

A teen-ager has confessed to trying to lure Wheaton Police Chief Mark Field's two young daughters into his car. The girls, who were not physically harmed, yelled "no way" and ran home when the defendant asked them if they would like a ride while making kissing sounds. When they ran, he yelled at them to get into the car. Field drove around the neighborhood after the girls told him

what happened, until he spotted a car matching the description provided by his daughters. He called on-duty police, who apprehended the teen.

Pamela Fish, the Illinois State Police crime lab supervisor whose work has been questioned in several rape cases, was transferred Aug. 15 to an administrative job where she will no longer oversee other scientists. Fish had conducted tests on blood and body fluids and testified for the prosecution at the rape trials of three men who spent years in prison before DNA tests cleared them of the crimes. Civil lawsuits filed by the men allege that Fish misled juries in their cases and ignored evidence that would have exonerated them.

KENTUCKY — Angela Manion, the first woman to join the Louisville police SWAT team, took part in her first formal day of training on Aug. 14, saying she was "trying to learn everything and not to mess up too much." Manion, a five-year veteran, was the only one of three women who tried out to win one of 12 available slots on the team.

OHIO — Piqua Police Chief Philip Potter began a one-year term Aug. 1 as the new president of the Ohio Association of Chiefs of Police. Potter, 48, joined the Piqua police force in 1974 and was named chief in 1992.

Despite a prevailing anti-police sentiment and a national decline in police applicants, the Cincinnati Police Division had more than 1,500 men and women registered to take the recruit test with five weeks left before the Sept. 22 exam. Officials expected the final number of applicants to surpass last year's 1,650 candidates.

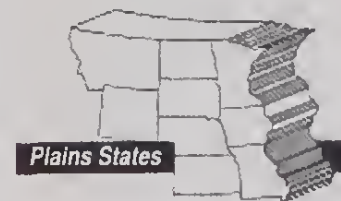
Shawn Barker, 16, was sentenced Aug. 9 to 100 hours of community service and ordered to write a letter of apology after he admitted to spitting into a police officer's soft drink while working at a local McDonald's. Reynoldsburg Officer Tim Kessler noticed something in the cup and lab tests confirmed the presence of phlegm, but no harmful contaminants.

WEST VIRGINIA — Huntington councilman Larry Patterson and residents want the police to clean up the drug-infested Fairfield West neighborhood, but Police Chief Gordon Ramey II says budget problems are hurting his department's ability to fight crime. The City Council has ordered a 5-percent cut in spending without layoffs.

WISCONSIN — A provision in the proposed state budget would require that police or sheriff's deputies be notified within 12 hours of suspected sexual abuse involving children. The measure would close a loophole in the law that allows social workers alone to decide whether to get police involved.

Madison police joined several Dane County agencies by carrying automatic defibrillators, but the department is still short of its goal of putting them in all 56 squad cars. The department has already trained 100 of its officers to use the devices, and local companies have mounted a campaign to raise the \$100,000 needed to buy nearly 50 more units by the fall. A similar effort in Rock County recently resulted in the purchase of 20 defibrillators for the sheriff's department.

Lawsuits brought by two men, Francis Bolduc and Francis Larkin, who spent more than eight years in prison after being wrongly convicted of bank robbery, allege that Milwaukee-based FBI Special Agent Dan Craft did not turn over to defense attorneys reports in which eyewitnesses identified other men. Craft allegedly also remained silent when a witness falsely testified in court that she had never viewed other photographs of potential suspects before identifying Bolduc and Larkin.



IOWA — Police in Council Bluffs are blaming a recent spate of gang-related graffiti on two different gangs, the Crazy Crooked Gangstas and the Under Age Krimanols. Police Officer Mark Galvan said the gang graffiti usually resurfaces around the time school starts because it helps gangs recruit new members.

KANSAS — Olathe police are putting into writing their policy for dealing with situations involving those who are deaf or hearing impaired. A task force was formed to create the policy because of the large number of deaf Olatheans and concerns from deaf residents about how police handle calls. The new policy states that officers should immediately ask for a sign-language interpreter, and regulates communicating with a deaf person through his or her child. Also, it addresses the issue of handcuffing a deaf person behind the back, and thereby possibly cutting off his or ability to communicate by signing.

MINNESOTA — Columbia Heights Officer Michael McGee and Sgt. Val Dietz and their wives have filed lawsuits against the man who seriously wounded the officers in a shootout in July. Their attorney, Paul A. Thompson, said that the likelihood of a large payoff is not very high but said it is a way for the officers to deal with the emotional ramifications of almost losing their lives. Both officers have since returned to desk duty.

MISSOURI — Just as a federal community policing grant expired in Marlborough, St. Louis County has decided to raise the price of police protection for the municipality from \$31,171 to \$32,482 a month. The county has been providing Marlborough with 24-hour police protection since 1997, with the COPS grant covering the bill.

After 40 Lambert Field airport police employees filed claims alleging that they became ill from prolonged exposure to mold that had built up on walls, carpets and ceilings, a report has concluded that the area is in fact a healthy workplace. Dr. Raymond Slavin, director of the division of allergy and immunology at the St. Louis University School of Medicine, said the mold levels would not have posed a danger to human life or triggered allergic conditions. Researchers also concluded that the percentage of employees who suffered from asthma or allergies was similar to that of the overall population.

NEBRASKA — The Omaha Police

Department has trained nearly 100 officers in the use of pepper balls to defuse potentially deadly situations without force. The department spent \$20,000 to purchase 19 of the pepper-ball launchers — the newest nonlethal weapon. The money came from the seized assets of convicted drug dealers.

NORTH DAKOTA — Police in East Grand Forks police are sporting a new motorcycle after the Zylstra Harley-Davidson dealership in Elk River, Minn., provided a Harley Road King on a one-year lease for \$1. The Elk River dealership and another in Ames, Iowa, which is owned by the same people, lease more Harleys to police departments than any other Midwestern dealer.



COLORADO — State Attorney General Ken Salazar is calling for a central registry of sex offenders to be administered by the state's Bureau of Investigation. The registry would replace a "patchwork" system of registries maintained by 340 law enforcement agencies statewide. Salazar also recommended that the system be changed so that the sentencing court enter the registration information rather than rely on the offender's own initiative.

Police scanner buffs in Jefferson and Douglas counties, and soon those in Colorado Springs and El Paso County, will be shut out as agencies continue to switch to a new radio system that cannot be accessed through scanners. The \$80-million statewide digitally trunked radio system is expected to be fully operational by 2005. A leading scanning expert said that listening in on trunked radio is nearly impossible for the public because conversations skip from frequency to frequency.

NEW MEXICO — With two months left in its fiscal year, the Shiprock Police Department has already zeroed out its budget. Capt. Randy John, who took command of the department in July, said the agency will continue to answer all calls despite the budget woes, but will sharply scale back community involvement. John said his department's outlook for the next fiscal year is not any better as the cost of lease fees for vehicles, which makes up about two-thirds of the budget, will be increasing.

OKLAHOMA — A study by The Daily Oklahoman has found that some law agencies in the state are ignoring a three-year-old state law and not releasing the names of juveniles arrested on felony complaints. In Oklahoma City, the newspaper reported, police routinely withhold the name if the youth is taken to a juvenile center. In Tulsa, the jail does not release juveniles' names and in Edmond, names of juveniles are blotted out of police reports.

TEXAS — Three San Antonio police officers who arrived at a home and did not remove a couple's abusive daughter did not violate the law, a judge ruled last month. The decision by Bexar County Judge Karen Pozza, which could have repercussions on domestic

abuse cases citywide, came in the case of a San Antonio couple who summoned police after obtaining a temporary protective order against their 29-year-old daughter. When the police arrived, the officers found no signs of injury to the parents. Many temporary protective orders are granted solely on the testimony of complainants and carry only civil sanctions, and police point out that officers can't arrest anyone unless there is a crime and violating a civil order is not a crime.

The Nueces County Sheriff's Department lost county funding for its DARE program last year, and last month, after a year of funding it with drug-forfeiture money, the department decided to scrap the program. Although DARE has come under scrutiny lately, supporters of the county program are disappointed in the sheriff's decision, saying that the program steered the kids in the right direction.

Police in Austin are experimenting with community impact panels that enable neighbors to confront convicted drug dealers, as part of a "restorative justice" process. At one recent meeting, two convicted dealers signed non-binding contracts promising to stop selling drugs. Panel members promised to help one get his commercial truck license and enroll in family counseling, and the other to find a church and get a high school diploma. Each man was assigned a mentor to help him stay straight.



CALIFORNIA — Overtime paid to Los Angeles police officers nearly doubled last year, costing the city \$46.2 million, nearly 50 percent above the budgeted figure of \$31.1 million. Beat officers, whose ranks have dwindled by 3.5 percent, say the overtime is increasing fatigue and frustration. Officials, however, maintain that last year's Democratic National Convention and new departmental rules affected overtime.

Bishop Police Officer Richard Perkins was killed Aug. 15 when a tractor-trailer hit his patrol car as he was making a U-turn. Perkins had been trying to help an Inyo County sheriff's deputy pull over a suspected drunken driver.

Amid accusations of bias against cross-dressers and transsexuals, San Francisco police officials have agreed to train recruits and veteran officers to be more sensitive to transgendered people. Complaints against officers range from deliberately using the wrong pronoun when addressing suspects to more serious harassment.

Brea police Det. Susan Hanna had been working on a rape case for months and had a suspect, Robert William Bradford Jr., in mind when she invited him out for a meal at Taco Bell, telling him she wanted to pick his brain about the case. When Bradford wasn't looking, she snatched the straw from his soft drink and sent it to a crime lab for DNA testing. Bradford pleaded guilty Aug. 13 to two rape charges. His attorney said the evidence-gathering stratagem was

tricky, but not illegal.

In a move to improve communications between tribal and county law enforcement agencies, Riverside County sheriff's dispatchers last month began handling 911 calls for the Cabazon Band of Mission Indians police. The tribe will pay \$60,000 a year for 24-hour dispatch service. Previously, the Cabazon Band handled its own dispatching.

California Highway Patrol Officer Stephen Michael Linett Jr. was struck and killed on Aug. 12 by a suspected drunken driver. Linett, 31, was writing a speeding ticket on Interstate 5 in Leucadia when he was killed.

On Aug. 17, the California Highway Patrol stopped its practice of playing recorded messages giving helpful energy-saving tips or a cheery job-recruitment pitch to cell phone users waiting on hold after dialing 911. A spokesman for the CHP acknowledged that cell phone users were getting sent to an in-house recording instead of the regular 911 message. It was "a glitch," he said, something that the system was not designed to do.

Butte County sheriff's Lieut. Larry Estes, 61, and Deputy William Hunter, 26, were killed July 26 in a gun battle in a survivalist's cabin in the small Sierra Nevada town of Stirling City. Investigators say they were shot to death by Richard Bracklow, 46, who also died in the gun battle. The deputies were responding to a report from an innkeeper who said he had been assaulted by Bracklow in a dispute over back rent. As the officers entered the dark cabin, Hunter was shot in the head immediately. Bracklow and Estes then engaged in a gun fight that reportedly killed both men. Hunter had been a deputy for three years; Estes was nearing retirement after 30 years on the job.

IDAHO — Nine Idaho Falls police officers raced to the Eastern Idaho Regional Medical Center on Aug. 18, responding to a report that someone came into the hospital holding a gun to a woman's head. The incident was resolved when the police discovered that the events were staged by a student filmmaker and two actors. The filmmaker, who did not have permission from the hospital to film the scene and had not contacted the police, and the actors were cited for disturbing the peace.

WASHINGTON — A Portland-based research firm will conduct a telephone survey for the Camas Police Department to gauge public perceptions about safety in the city. Police Chief Don Chaney said the questions have been developed with input from the police department.

In Seattle's Rainier Beach community, anger eventually turned to grief as residents learned that police officers had not been responsible for the killings of a young man and a toddler, but rather had fired on an armed man who had allegedly shot and killed another man and bludgeoned two children with a handgun. Even as some residents said they felt bad or wanted to "personally apologize" to police, the incident underscored the strained relationship between the city's African-American community and its police.

More than skin deep

An order issued in 1998 by Fort Worth's former chief of police continued to take its toll this summer on an officer whose extensively tattooed arms and legs, according to policy, have to be kept under wraps because body art does not go with the job.

Officer Michael Todd Riggs, 34, was hospitalized in July for two days with symptoms of heat exhaustion brought on by wearing long sleeves. He was taken to the emergency room and kept through the following day while doctors replenished four liters of fluids. It was the second time in two years that Riggs has suffered from heat exhaustion.

"Nobody can wear long sleeves in this weather," said Riggs. "It's a ridiculous thing for them to do." Many Fort Worth officers wear short-sleeved shirts and short pants during the summer.

Riggs's doctor wrote a memo on July 5 to Chief Ralph Mendoza in which he said that for the sake of his health, Riggs was forbidden to wear long-sleeve shirts until the summer months were over. Riggs was taken off street duty and was working in the jail in July when his supervisor told him that he would have to use sick time and stay at home.

Riggs said most of his tattoos were done overseas while serving in the military. He keeps a framed picture on his desk of the 17th century Italian artwork replicated on his back.

In a 1999 memo, then-Police Chief Thomas Windham explained his earlier order by saying the tattoos "detract from the professionalism of a Fort Worth police officer if the officer wears short-sleeve shirts and shorts."

Last year, Riggs, a five-year veteran, filed a civil rights lawsuit against Mendoza, which is pending in federal court. The suit claims that Riggs was singled out unfairly for the dress restriction. He had the tattoos when he went through the training academy, the suit says, and a lieutenant and captain had no problems with them before Riggs was assigned to his beat.

The lawsuit claims that police administrators made him cover up after he began towing an illegally parked Cadillac which was later discovered to be used by Mayor Kenneth Barr. Riggs was also unfairly demoted, the suit asserts, when he was moved from a high-profile position as a bicycle officer to duty as a DWI officer on the midnight shift.

"The issue here is not the tattoos," he told The Dallas Morning News. "The issue is that I am being discriminated against, that I am being singled out."

FOP banks on Ohio

The Fraternal Order of Police obviously sees something it likes in Ohio law enforcement: For the second time in the past six years, a police officer from the Buckeye State is the 298,000-member organization's national president, following the election of Lieut. Steve Young, a 25-year veteran of the Marion Police Department.

Dr. maybe it's just that they like

Young, who ran unopposed for the top spot. He also ran unopposed for national vice president in 1997, and was re-elected to that office in 1999.

"I am honored to have been elected president of the Grand Lodge by my peers," he said. "As a police officer myself, I am committed to ensuring fair and equal treatment on the job, whether it is through state collective bargaining laws or the enactment of a federal police officers' bill of rights. It is my wish and intention to expand the FOP's involvement in all 50 states, and to improve working conditions for all police officers."

Four thousand FOP delegates attended the conference, held in mid-August in Phoenix.

Young served as his state's FOP president from 1988 to 1999, devoting much of that time to the group's legislative committee. Considered an expert on police pension plans, Young is also credited with introducing the Critical Incident Response Service program which brings rapid assistance to officers who are psychologically damaged in the line of duty. The initiative has been implemented across the country.

He also helped create the Ohio Labor Council, a model for improving negotiations between labor and management within police forces, which is being used in 14 states.

Young succeeds Gil Gallegos, a retired deputy chief from Albuquerque, N.M. Dewey Stokes, a veteran of the Columbus, Ohio, police, served as the FOP's national president for eight years before deciding not to seek re-election in 1995.

Stokes was recently nominated to be U.S. marshal for central and southern Ohio.

Leaps and Bounds

Mary Bounds took the oath of office last month to become Cleveland's first female police chief, and the second African American to lead the force.

A 21-year veteran, she had served as deputy chief of administrative operations since April 1999 and as commander of the department's 5th District. Bounds, 54, also served as executive assistant to Chief Patrick Oliver, the city's first black chief. She succeeds Martin Flask, who left after about two and a half years to become chief of security for Cleveland's airports.

Her tenure, however, may be short-lived. As chief, she is a political appointee, and while black leaders are trying to ensure that a new mayor does not demote her, there are no guarantees.

"I'm going to encourage all the candidates to keep her," said U.S. Representative Stephanie Tubbs Jones, who said she endorsed mayoral candidate Raymond Pierce only after he pledged to keep Bounds as chief if he is elected. "I'm ecstatic she's a woman and an African American, but what's more important is that she's a qualified leader with a long term of service as a police officer," she told The Plain Dealer.

While Bounds is well respected in the community as a police leader who was able to effect real change in the area under her command, her relationship with Mayor Michael R. White may have tarnished her in the eyes of the rank and file.

White earned the disdain of the

troops when he opened an investigation into allegations that organized cells of racists were operating within the ranks. The charges proved groundless, but it damaged the mayor's rapport with the force.

"It's really useless for me to debate the qualifications of any chief because Mike White is now and always has been the chief of police," said Bob Beck, president of the Cleveland Police Patrolman's Association. "Under White, the chief has never had the autonomy or authority to have a profound impact."

Roy Rich, head of the Fraternal Order of Police, added that Bounds's appointment makes sense since White had appointed her to commander and then to deputy chief. "And now he's appointed her to chief."

But Bounds resents the implications that it was politics and not hard work that got her the post. "I've put in my work and worked harder," she told The Plain Dealer. "I always put in the hours, I always put in the time and have always been committed to this division."

From the outside in

In the grand tradition of hiring an outsider who is also an insider, officials in Lafayette, La., last month appointed U.S. Marshal Ronald Boudreaux as the city's new police chief.

Boudreaux, who worked in federal law enforcement for 24 years in Baton Rouge before his retirement in August as marshal for the Middle District of Louisiana, was a detective with the Jefferson Parish Sheriff's Office prior to that. Boudreaux already lives in Lafayette, where his wife, a recent law school graduate, has joined a firm.

City-Parish president Walter Comeaux said he considered the implications of hiring someone from outside the agency. Officers, he said, might feel they don't have a chance for the top job because they are insiders. "But I can't look at it that way. I had to pick the best man for the job," said Comeaux. "I had people telling me to go both ways."

Any of the four finalists for the position "would have been a good chief," he said.

Comeaux dismissed assertions by some people that his appointment of Boudreaux could have had something to do with his own son being a deputy U.S. marshal. "They don't know what they're talking about," said Comeaux. "Ronald Boudreaux is a good man, and he's very well qualified."

Boudreaux, who assumed command in September, said he planned to create an assistant chief position to work on community policing. That spot would be offered to interim Chief Ralph Peters, he said. Interim Maj. Jim Craft, another competitor for the chief's job, would become a major permanently, if the City-Parish Council approves Boudreaux's plan. All other officers promoted when Peters assumed the interim chief's position would stay in their new posts.

"I intend to take an in-depth look at the department from the inside out, with a new perspective," said Boudreaux. "I do not believe in the philosophy 'If it's not broke, don't mess with it.' Rather, I believe if it's working well, how can we continually improve it?"

Call her "sue"

Former Mount Vernon, N.Y., police commissioner Gertrude LaForgia has filed a lawsuit charging that the city's mayor fired her in July because she spoke out about problems within the department.

The 64-year-old LaForgia, who took the Mount Vernon job in December 1998, is a former New York City borough commander who was the highest-ranking female police official in Westchester County. According to the suit she filed on Aug. 15, Mayor Ernest Davis misused federal drug forfeiture money and blocked investigations targeting his friends.

While LaForgia had said she was resigning in July, her lawsuit claims that she was actually dismissed. It also contends that two deputy commissioners lacked expertise and were more loyal to Davis than they were to her.

LaForgia alleges that Davis had used the drug forfeiture money to buy dog food for the city pound, and falsely claimed that the dogs there were drug-sniffing canines. Davis, she said, also made personal use of a vehicle purchased with forfeiture funds.

Davis has called the suit frivolous. LaForgia, he said, left the post of her own accord.

No benefits of doubt

Despite a 10-year relationship, Tampa Police Officer Mickie Mashburn is not entitled to death benefits from her life partner, a slain fellow officer, because the two women were not legally spouses, according to the city police and firefighter pension board, which handed down the closely-watched decision last month.

Gay-rights advocates and Mashburn's attorney vowed to continue fighting for the officer's right to collect half of Officer Lois Marrero's salary, which under the city's present pension contract would amount to \$28,000 a year for life. The eight-member board also denied Mashburn's application for \$50,000 in funds paid into Marrero's pension. The refund will go to the officer's parents.

The board's decision was not considered surprising. Florida law does not recognize unmarried couples, even heterosexual ones, as spouses under "common-law marriage." A spouse, as defined by law and the contract, is someone legally wed, said board chairman Tom Singleton.

Karen Doering, a civil rights attorney retained by Mashburn, told the board that its policy of only allowing legal spouses to receive death benefits was "on its face a clear violation of the Florida Civil Rights Act."

Marrero, 41, was shot to death by a fleeing bank robber on July 6. She had served with the Tampa department for 19 years. Her family has opposed Mashburn's efforts to obtain spousal pension benefits.

"I don't think that's what Lois would have wanted," said her mother, Maria Marrero. According to her mother and sister, Marrero's relationship with Mashburn had cooled over the years.

"If they would have had a strong relationship, then I think it would be different," said Marrero's mother.

According to Marrero's family, the officer had also become involved with another woman, Tarsha Jackson, a chemical analyst in Texas. The relationship nearly cost Marrero her job when she did not return from Houston for a training trip to Jacksonville. Another Tampa officer happened to be on the plane back to Florida. Sgt. Joe Raulerson told internal affairs investigators that Marrero and Jackson were "holding hands and embracing."

Marrero was fired, but reinstated a year later, although with no service credit for the year. Marrero was also demoted from sergeant to street patrol.

Groomed to succeed

For the Delray Beach, Fla., Police Department last month, the transition from outgoing police chief Richard Overman to its new leader, Maj. Larry Schroeder, was as smooth as any agency could hope for.

"How does a community feel about its police department? Their assessment will tell you how likely they are to appoint someone from inside," said Hal Robbins, executive director of the Florida Police Chiefs Association. "The fact they did in Delray Beach is a sign that people are satisfied and not looking for a change."

Overman, 57, was considered a progressive chief who brought community policing to Delray Beach and smoothed racial tensions within both the community and the ranks. He retired Aug. 16.

The ease with which Schroeder was selected stands in stark contrast to how Overman himself became chief 10 years ago. After a contentious nationwide search that drew 171 applicants, Overman, then the deputy chief in Orlando, was not among the 12 finalists. Instead, he was a last-minute pick by City Manager David Harden.

From the start, he showed both the skill and the drive to build bridges between the department and a minority community that had opposed the process that put him in office. One week before officially assuming command, Overman met with officials from the National Black Police Association and a federal mediator to discuss how the agency's racially-charged environment could be changed. Among other steps, African American officers were hired and promoted until their numbers were proportionate to the makeup of the city.

The man he groomed to succeed him, the 44-year-old Schroeder, joined the agency as a patrolman in 1978. His status as an insider, Schroeder said, enabled him to implement changes within his first few days on the job that he would have otherwise not been so quick to make. "I would have spent my time introducing myself to people in the department and...to the community," he told The Palm Beach Post. "It would have been totally different."

In addition to Schroeder, three others led by Overman have become chiefs: former captain Ed Morley, who heads the Stuart, Fla., Police Department; Alberto Melis, another former captain who is now chief in Waco, Texas; and Rick Lincoln, the interim chief who preceded Overman, who is chief of police in Lantana, Fla.

San Diego PD given Rx on use of force

The San Diego Police Department was handed a list of 100 recommendations in August by a committee created to evaluate the agency's use-of-force policies in light of half a dozen fatal shootings in 2000, including at least one person suffering from mental illness.

The committee, composed of 71 community members and 66 members of the police department, took over a year to conduct its review. Nine teams examined such issues as pursuit procedures; training; community issues; the media, and the mentally ill and homeless, which seemed to be of particular concern.

Some of the recommendations, such as the adoption of new language to clarify the department's use-of-force policy and its force "matrix," a guide for the appropriate level of force, are already in the implementation process, said Chief David Bejarano. Both were revised between 1998 and 1999.

"We are going to have quarterly meetings to look at the progress we're making," he told task-force members. "We have to move forward as quickly as we can."

Bejarano said his executive committee, which is separate from the task force, would prioritize all 100 ideas. But it could be two to three years, he said,

before all of the recommendations are implemented. Some, such as increasing the department's canine unit and adding more helicopters, could cost millions, said Bejarano.

A number of the committee's suggestions focused on improving police interaction with the mentally ill. Among its suggestions for revamping policies and procedures for responding to and interacting with that population was an increase in the department's level of mental-health training; the development of a resource guide for officers on mental health and homeless issues; the new language describing the agency's mental health procedures, and the adoption of a new policy concerning its Psychiatric Emergency Response Team (PERT).

"The most pressing training needs are certainly the basic knowledge about mental illness and how to de-escalate a client that they meet in the street," said Piedad Garcia, a member of the task force and clinical director for the county's adult mental health services department.

In February 2000, police shot and killed 42-year-old William Miller Jr., a homeless man who had threatened them with a tree branch.

The committee recommended that

the department increase by 20 hours the amount of training that officers receive at the training academy. This expanded curriculum, said the 136-page report, would include mandatory visits to the county's Emergency Psychiatric Unit and Alzheimer's facilities, and increased use of scenario training. "A need exists to expose the officers to the mental health community prior to a crisis or police intervention," said the report.

The task force said there should be a resource guide for issues affecting the mentally ill and homeless to provide officers with immediate access on a round-the-clock basis.

It also suggested that language in the department's "old" mental health procedure be changed to reflect the more positive relationship between that population and the agency. In addition, a new policy should be adopted that "documents the role and function" of PERT. Patrol officers, the report said, lack a complete understanding of when

that unit should be called in, and the team's benefits and limitations. "By achieving this, the program will likely become more efficient, providing necessary service to the consumer and law enforcement," said the report.

Covering other ground, the committee called for evaluation of the agency's current defensive tactics curriculum. The evaluation scope, it said, should include teaching fighting skills in the academy and shifting the physical fitness training from an emphasis on running to defensive tactics. "Police officers that are better trained in these areas will be confident and provide better service to the community," the report said. "There should be more short speed running drills that end with defensive tactic or ground fighting drills."

Gil Cabrera, a corporate attorney who co-chairs a committee that will monitor the department's progress, said he felt all of the suggestions conveyed the common themes of training and tools; increasing communication, and

instilling a sense of partnership between police and the community.

The committee's chair, Wade R. Sanders, also an attorney, commended Chief David Bejarano for giving the group the freedom over 15 months of study to explore whatever subjects it desired.

"Probably the most important thing we discovered was the immensity of the gap between police officers and the public they are sworn to 'protect and serve,'" he told *The San Diego Union-Tribune*. "During our review, the wall of culture and experience that separates us became increasingly apparent, and this resulted in heated exchanges and emotional debates as each side confronted that wall."

But these exchanges, noted Sanders, helped both the police and civilian members of the committee face "the reality of the 'us vs. them' that we shared" and deal effectively with sensitive and confrontational issues, he said.

Feds get serious about law barring aid to drug-using students

Enforcement of a year-old federal law that denies financial aid to college students who either admitted to a recent drug conviction or who left the question blank on aid applications could affect as many as 42,000 applicants this year, many of them minorities or from low-income backgrounds, according to a coalition of students, financial-aid officers and lawmakers.

The law, authored by Republican Representative Mark Souder of Indiana, withholds grants, loans or work assistance from people convicted of possession or sale of controlled substances. Students convicted of illegal possession are barred from receiving aid for a year following the conviction, and for two years for a second offense if the conviction is for selling drugs. The penalty can be shortened if the person agrees to complete a drug treatment program that includes random testing.

Of the 7,583,207 students who applied for financial aid for the 2001-2002 school year, 28,230 were considered ineligible due to a drug record. This year, for the first time, the Department of Education said it will reject applicants who failed to answer the question. The policy could affect some 11,417 students.

Hundreds of thousands had skipped it during the Clinton administration but were not denied aid. The question was ignored because of a processing backlog of nearly 1 million applicants. In April, however, the Bush administration said it would begin enforcing the regulation. "Congress passed legislation and our department is obliged to carry out that legislative direction," said Linda Kozberg, an Education Department spokeswoman.

Howls of protest have been raised by students and financial-aid officers who claim the law disproportionately

affects poor and minority students, who are less likely to be able to afford college without assistance. They are also more likely to have drug convictions. According to a report by the Department of Health and Human Services, although blacks make up 17 percent of drug users, they represent 37 percent of those convicted of drug crimes.

Even Souder is unhappy with the impact of his bill, which was meant to deny only those students who were receiving aid when they committed the offense. "We are close to getting this worked out," said Seth Becker, a spokesman for the Congressman.

Kozberg said the Education Department is still evaluating its options.

A national campaign aimed at changing the nation's approach to the drug war, Students for Sensible Drug Policy, was getting underway when the Souder bill was passed, said former George Mason University student Shawn Heller. "It sort of blew us away," he told USA Today.

Since the enactment of the legislation on July 1, 2000, the group has opened 156 chapters and gotten 66 student governments, the United States Student Association and the Association of Big Ten Schools to pass resolutions calling for repeal of the ban.

"Someone who commits murder or armed robbery is not automatically barred from financial aid eligibility," said Representative Barney Frank, the Massachusetts Democrat, "but if you have even one non-violent drug conviction you can't get any aid for a year, with longer bans for people with additional convictions."

Frank introduced legislation in February that would overturn the law. "This will ensure that people in low to moderate income families — who really need the aid — are not treated unfairly."

Without the construction of costly new tower sites to support a four-year-old, 800-megahertz communications system shared by city police in Bloomington, Ill., and law enforcement agencies in Normal and McLean counties, radio transmission will continue to pose safety problems, public safety officials said last month.

In August, Bloomington Police Chief Roger Aiken said he was ready to take the heat should response times fall due to his doubling up patrol units to ensure officer safety. There have been several instances in which calls for backup were not heard by dispatchers or other personnel. Under the new policy, there will still be between eight and 11 officers on the street, but they will be in three to five fewer squad cars.

"The misconception is that there's only going to be three police cars on the street out there," Aiken told *The Pantagraph* newspaper. "I don't want anybody running scared and saying there are no police in the city. That's not the case."

While the deployment change may mean delays for citizens who need to file routine theft or vandalism reports, one or more officers will be assigned to that detail, said Aiken. Also, officers on duty outside of patrol may respond to any major incident. And the department's gang unit, the traffic division and other officers assigned to non-patrol functions can help as well.

The \$3-million system has never worked the way it was supposed to, Shawn Walker, director of the McLean County 911 Center, said in an interview with *Law Enforcement News*. "There have been some minor things done, but nothing on the level that really, truly needs to be done," she said.

The system's original design did not include enough tower sites to provide adequate coverage, said Walker. Depending on where an officer is, the transmission may be either full of static or non-existent. A system-wide failure in Bloomington this summer lasted 90 minutes, forcing the department to borrow a dozen old radios from the Normal Police Department as a safety net

in the event of another crash.

So unreliable is the system that Bloomington officials are considering scrapping it regardless of what county authorities decide to do, said Alderman Mike Sprague. Fellow councilmen, he said, should lead the switch back to the 400-megahertz system the city dumped in 1997.

City Manager Tom Hamilton said he and Aiken have made inquiries to the Federal Communications Commission about obtaining permits for the 400-megahertz frequencies. However, approval for the permits could take months, said Aiken. Moreover, agreements made with the counties would have to be examined if the city sought to abandon the 800-megahertz system and the others did not support the switch.

The fine for using a 400-megahertz frequency without permission is about \$10,000 a day, said Aiken.

"Any radio system has problems," Walker told LEN. "800 has different types of problems than 400. But when it comes to public safety in particular, you'll find problems with 800-megahertz systems most often arise in the number of tower sites which goes back to coverage. Compared to a 400-megahertz system, 800 requires significantly more towers and there just aren't enough. And when you're dealing with government and public safety, the funds aren't there. We could build them, but they are very expensive."

Law enforcement in Washington County, Ore., and in the city of Portland have led nationwide efforts in researching the problem. Last month, during a conference in Portland for public safety managers, representatives of Nextel Communications outlined a plan to separate more than 250 intertwined 800-megahertz frequencies into separate blocks. Nextel, which uses that frequency for its wireless phone service, is the source of interference in 21 states.

The company said it would ask federal regulators this fall to approve its plan. Glen Nash, president of the Association of Public-Safety Communi-

cations Officials International, said the proposal would cost millions of dollars and affect thousands of public safety agencies. It is unclear who would pay for it, although officials have hacked away from their original request that either Nextel or the federal government pick up the tab.

"Ideally, we wouldn't pay anything, but there is a big difference between ideal and realistic," Nash told *The Associated Press*.

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NYPD shakes things up after DUI deaths

Last month's tragedy involving a drunken, off-duty New York City police officer who hit and killed a family of three with his minivan after a marathon drinking session with other members of his Brooklyn precinct has prompted the department to reexamine its alcohol policies.

In recent years, only a handful of NYPD officers have been dismissed for driving while under the influence. Typically, if a DUI does not involve injuries, discipline has included the loss of 30 vacation days and a year-long probationary period. But in the aftermath of the Aug. 4 accident that took the lives of a pregnant woman, her unborn child, her son and the boy's aunt, the department is moving to adopt a policy under which officers could be fired for far less serious offenses if they were found to be drunk.

"Under the new policy they are going to get tough on everybody," an unidentified senior police official told *The New York Times*. "If you are just regular DWI, you are going to stand a chance to lose your job."

Seventeen members of the 72nd Precinct in Brooklyn were disciplined by Police Commissioner Bernard Kerik following the deaths of Maria Herrera, 24, her son, Andy, 4, her 16-year-old sister, Dilecia Pena, and Herrera's baby, who died shortly after being delivered by emergency caesarean section.

Kerik's action was taken after revelations that the officer who had driven the van, James Gray, 41, began drinking with his colleagues in a station house parking lot after they finished the late shift at 8 a.m. As many as 10 officers, including two sergeants, had consumed beer for several hours before the group adjourned to a local topless bar for a free lunch. The strip club, the Wild Wild West, had been declared off-limits to officers because officials considered it a potential source of corruption.

While there, Gray, one of the sergeants and three other officers continued drinking for nearly four more hours, according to officials. Although the others left by 3:30, Gray stayed another five hours. By 9 p.m., when Gray hit

the victims after running a red light, he was quite drunk, said investigators. Gray was apparently on his way to pick up a colleague so they could return to work another late shift.

Placed on a 30-day suspension without pay immediately following the incident, Gray was indicted on manslaughter charges. He resigned on Aug. 28, prior to being interviewed by internal affairs investigators. The 15-year veteran, who forfeited his pension, had been facing nine departmental charges, including manslaughter, vehicular manslaughter, reckless endangerment and driving under the influence.

Kerik ordered the reassignment of the precinct's commander, Capt. Thomas F. Deprisco, and its executive officer, Capt. Roy Richter. Also transferred were Licut. Ricky Karpen, the precinct's integrity control officer, and two sergeants, Peter Moy and Michael Zarilli.

Kerik suspended sergeants Keith Singer, who officials said was one of those drinking in the parking lot, and Dennis Healy, who drank with the others, then went on to the strip club. Officers Jack Conway, Craig Hildebrand and John Welsh were suspended for going to the off-limits venue, said officials.

Seven other officers were placed on modified duty: Edward Sills, Anthony Prisenzano, Michael Gaudio, Marie Desario, Paul Alba, John Chavez and Michael McGill. The officers, who consumed alcohol in the parking lot, had their badges and guns confiscated and were given new responsibilities, such as desk jobs.

The commissioner said of Deprisco, who had served just 10 months as commander after two years as the precinct's executive officer: "I have serious questions about his supervisory capacity. This is a major event. If they feel that freely that they can sit in a parking lot, consume alcohol, go to an off-limits location in that precinct — I just have to question the commanding officer's ability to control his people."

Under civil service law, officers have the right to an administrative hear-

ing before discipline or dismissal can be meted out. The new sanctions envisioned by the department would not change that, but sworn personnel found guilty of driving while intoxicated would face far greater penalties, said officials, and administrative cases would be routinely expedited.

In future cases, officials told *The Times*, they would probably move to conclude administrative cases first so that an officer found driving drunk could be removed from the force. Until recently, the criminal case came first. Brooklyn District Attorney Charles J. Hynes had agreed to let Gray's administrative case proceed after prosecutors and police officials promised to question him in such a way that it would not hinder the criminal case against him.

For years, "professional courtesy" often made it unlikely that someone in law enforcement would be charged with DUI in cases that did not involve injury. Lately, though, a growing num-

ber of officers in jurisdictions nationwide have run afoul of the law for driving drunk.

A former New Mexico State Police officer, Kresten Eoff, was sentenced on Aug. 28 to a week in jail and a year of probation after his third DUI conviction. Eoff, 32, resigned in May. He admitted to drinking several shots of vodka before driving from Santa Fe to Espanola, where he backed his patrol car into another car at a gas station, according to an arrest report. He registered 0.20 on a Breathalyzer test — more than twice the legal limit.

Robert "Richard" Milliones, deputy director of the Georgia Governor's Office of Highway Safety, was charged with DUI on July 28. According to a police report, Milliones, 53, was traveling on I-85 when he clipped another car he was trying to pass and had trouble completing a field sobriety test. Milliones had been involved in the overall planning and execution of a major DUI zero-tolerance

campaign that was launched with much fanfare and a \$1-million federal grant.

In Saginaw, Mich., two police officers were charged in August in an alcohol-related traffic accident which then turned into a fistfight. Officer Jeffrey A. Lickly, 26, faces 10 years in prison if convicted on one count of assault with intent to do great bodily harm and resisting police. Officer Maria J. Medina, 31, was charged with operating a vehicle under the influence of alcohol and with an underage passenger. Medina crashed her car into the rear of a van being driven by her ex-husband. Lickly, who lives with Medina, arrived on the scene and had a physical altercation with the victim, Fernando Lambert.

New York City police narcotics detective Paul Gill, 33, was charged Aug. 28 with driving the wrong way while intoxicated after allegedly hitting a Westchester County police vehicle in Yonkers that tried to stop his car, injuring an officer.

Without a real "victim," Indiana cybersex law has a gaping hole

Indiana legislators have been invited by the state's court of appeals to take action to plug a loophole in a statute that requires that child solicitation over the Internet directly involve a minor, rather than an adult posing as one, in order to be considered an offense.

The suggestion was made as part of an appellate ruling last month that a potential child molester could not be prosecuted under current state law because the girl at the other end of the mouse was actually a State Police detective. Unless the statute is revised to allow for the intent of the solicitor, the ruling, which upheld a lower-court decision, may hamper future cyber-sting operations, according to *The Indiana Lawyer* magazine.

According to court documents, the defendant, James Kemp, engaged in a chat room dialogue with a girl he be-

lieved to be 14. In reality, "Brittney4u2" was Det. Roger Halbert of the agency's Cyber Crime Unit. Using the screen name "Ineedyoungt1ght1," Kemp sent a message to "Brittney4u2," describing himself as a 25-year-old man from the Anderson area.

The two "chatted" again on Dec. 11, and agreed to meet for a tryst at a Kentucky Fried Chicken in Hamburg. When Kemp arrived at the location that day, toting along a box of condoms, he was arrested and charged with two counts of attempted child molesting and one count of child solicitation.

Last August, Kemp successfully moved in Clark Circuit Court to have all charges against him dismissed on the grounds that the offenses of attempted child molesting and child solicitation require that the victim be a child.

In upholding the lower-court deci-

sion, appellate Judge John G. Baker wrote in *State v. Kemp* that legislators might wish to consider a more expansive definition of child solicitation when a computer network is involved. "We recognize the many challenges the Internet poses in preventing the commission of criminal acts against children, along with the difficulty of monitoring the cyber-world," he said.

The state's Supreme Court has ruled that in order for prosecutors to make the child solicitation charge stick, it is the solicitor who must urge the minor to commit the act, urge immediate commission of the offense and have the cooperation of his victim — an essential feature of the crime.

The dismissal of charges against Kemp is troubling, said Stephen J. Johnson, executive director of the Indiana Prosecuting Attorneys Council. The fact that Kemp kept seeking out Brittney in the chat room and agreed to a meeting shows he had a predisposition to committing an illegal act, he told *The Indiana Lawyer*.

But there were a few problems with the sting operation, which did not go by the book, conceded Sgt. Michael Flynn, the unit's commander. One problem was that the tryst was suggested by Halbert, and not the defendant. That fact notwithstanding, he said, Kemp was a willing participant. "Normally, we don't suggest that we meet, we don't have to," he said. "I was surprised Roger did that. Normally, they are ready to go after five or six conversations in the chat room."

Because cyber-solicitors have gotten more savvy, they often want a phone number to make sure they are not speaking with police, he said. The unit has a person who sounds like a 14-year-old to answer these calls, said Flynn.

State Senator William Alexa (D.-Valparaiso) who chairs the governor's Criminal Law Study Commission, said the group will focus on this issue in September. "The potential for abuse on the Internet is so great, we need to plug that hole," he said. "What good is all that computer sleuthing if you can't get a conviction?"

Paper's black & white depiction of domestic violence has chiefs seeing red

Milwaukee County police chiefs are furious over an article that appeared last month in *The Milwaukee Journal Sentinel* that they say misrepresented a grant application from a federally-funded domestic violence reduction program, making it appear to be a report accusing them of favoring white offenders.

The grant application was submitted by officials from the Judicial Oversight Initiative (JOI), a committee created to oversee the city of Milwaukee's implementation of a \$2-million grant it received in 1999. The money, which came from the Violence Against Women Office, funds a number of measures there, and in two other cities, Dorchester, Mass., and Ann Arbor, Mich. It will run out this fall.

Among the efforts funded by the grant are batterer intervention programs, prosecution, investigations and victim advocacy. One program in Milwaukee calls for probation officers to supervise defendants while their cases

are still pending to ensure that they are not harassing alleged victims, drinking or failing to report to work.

Oak Creek Police Chief Thomas Bauer, the president of the Milwaukee County Law Enforcement Executives Association, said his organization was extremely concerned and disappointed by the article. "It's the application, which is unsubstantiated information," he told *Law Enforcement News*. "It's things that they suspect. We were never contacted about any of the research by the JOI."

According to the paper, the oversight committee suspected that the reason for a disparity in the number of blacks prosecuted for domestic violence lay in the tendency of some suburban districts to process such offenders through their own municipal courts — issuing citations and fines — rather than referring cases to the district attorney's office for prosecution in circuit court. The newspaper did not mention the experiences of either black county resi-

dents arrested as domestic abusers, or white city residents charged with abuse.

State law mandates that the primary aggressor in a domestic dispute be arrested. Committee officials said they did not find a problem in the way Milwaukee police officers did their jobs. In fact, African Americans in Milwaukee, who represent a disproportionate number of those living in poverty there, turn more often to the criminal justice system when dealing with domestic abuse than do others with more options, said the grant application.

"Rather, the problem lies in the fact that it appears that some people in our community, depending on where they live, their race, ethnicity, income or occupation, are not being held to the same standard of accountability," the document said.

African Americans, while making up just 24 percent of the city's population, constitute 66 percent of defendants in domestic-violence cases. By comparison, whites make up 62 percent of

the county's population, but are involved in less than a third of cases which come before the county district attorney's office.

Ninety percent of domestic-violence cases reviewed by the county district attorney's office come from the city of Milwaukee, with 10 percent from the county's remaining 18 municipalities. Some 89 percent of calls to a domestic violence hot line, or 6,920 out of 7,751 last year, also concerned incidents in the city, the grant application noted.

Bauer told LEN that among his association's concerns is the application's use of such terms as "charging." Many cases brought to the district attorney's office, he said, do not result in arrestees being charged. "That's why we're going to be meeting with JOI, first of all, to get on the same page with terms and find out if we do have a discrepancy which we do not believe we have," said Bauer. "As a matter of fact, I bring down probably 95 percent white males."

Judge says SD red-light camera program blinked

A San Diego judge in September threw out the traffic tickets of some 300 motorists who had been caught running red lights by surveillance cameras — but because of a conflict of interest between the city and the company that owns and operates the devices, not because the technique violates privacy.

The distinction made by Superior Court Judge Ronald L. Styn may seem to walk a fine line, but it was nonetheless significant to participants in the debate over the surveillance issue. Stationary cameras, whether for catching speeding motorists or giving residents in housing projects a bit of added security, have gained enormous popularity over the past few years. At the same time, however, they have made strange bedfellows of conservatives and civil libertarians, who find them "Orwellian."

In July, two prominent Republican members of Congress, Representatives Dick Armey of Texas and Bob Barr of Georgia, criticized the use of cameras, complaining about possible violations of privacy and their potential for abuse as revenue-raising devices.

The San Diego ruling was the first of its kind in the nation and applies only to those motorists who filed a class-action suit against a unit of Lockheed Martin IMS of Washington, a private firm that operates the cameras installed at 19 San Diego intersections.

In May, the city suspended the three-year-old program when inspectors,

"The way the program operates in San Diego is illegal. And it basically operates the same way everywhere across the country."

found inaccuracies at three of the intersections. The discovery caused hundreds of citations to be dismissed. The evidence provided by the cameras, the judge said, was "so untrustworthy and unreliable...that it should not be admitted."

Where the judge found fault was in the relationship between the city and Lockheed. The company keeps \$70 from each \$271 fine collected, among the most expensive camera-issued tick-

ets anywhere in the country, said Kathleen Dezio, a spokeswoman for Lockheed. Since San Diego's program began in 1998, some 84,000 citations have been sent out.

Styn ruled that a conflict of interest arises because the company also decides whether a motorist could be ticketed. The policy violates a state law which gives that authority exclusively to law enforcement.

"Everyone in the country is absolutely looking at this case," Arthur Tait, the attorney for the motorists, told USA Today. "The judge said the way the program operates in San Diego is illegal. And it basically operates the same way everywhere across the country."

Red-light cameras operate in about 60 cities and counties across the nation, including Washington, D.C., Portland, Ore., San Francisco, and Boulder, Colo.

The cameras debuted in Washington in August 1999, and have generated 231,797 citations through June of this year, according to The Associated Press. The fines collected have totaled \$12.3 million, with Lockheed garnering \$4.6 million for processing the film,

maintaining the equipment and managing collection efforts.

Currently, some 30 cameras are perched along 39 of the city's busiest intersections, but "there's no shortage of requests for cameras at about 100 locations," said Councilman Adrian Fenty.

In New York, state lawmakers are considering a bill that would allow the Suffolk County Legislature to expand traffic-camera programs throughout Suffolk County. Under current state law, only cities with populations of at least 1 million can operate such systems, leaving New York City the only municipality in the state with such a program. Since 1994, when 30 cameras were installed on an experimental basis, the percentage of motorists running red lights has been cut in half, said city officials. The program had been due to expire in 1999, but was extended by the state to run until 2004.

A video camera installed at a Springfield, Ill., housing project earlier this year may help prosecutors convict a defendant charged with killing a 13-year-old boy in August. Or conversely,



A red-light camera keeps an unblinking eye on a Phoenix-area intersection.

prove Markus E. Harvell innocent, said his attorney.

The single camera overcases Brandon Court, a complex of 77 low-income apartments run by the city's Housing Authority. While the tape may provide valuable evidence, it also makes people think twice before committing a crime, said the complex's security manager, Robert Shipman, a retired Springfield police lieutenant.

"It's just a crime prevention deterrent overall," he told The State Journal-Register. "We don't make it a secret that it's there. We let the residents know that it's up."

Many in law enforcement express similar sentiments. Said San Diego Police Chief David Bejarano, the intent of the city's red-light cameras is public safety. Instances of motorists running red lights, he said, have fallen by 45 percent at intersections with the devices.

"It save lives, it's a public safety issue," agreed Chief Charles Ramsey of Washington's Metropolitan Police Department. Motorists who are concerned about their privacy, he added, should not run red lights.

A policy vacuum:

Did deputy's private Web site go too far?

Law enforcement officials in Dare County, N.C., are seeking legal guidance concerning a private web site set up by a sheriff's deputy which, they contend, crossed the line of propriety by including recordings from arrests and photographs from accidents.

The site, called "acreatures' lair", was created by Andy Creech, a deputy assigned to the Beach District. In addition to a sheriff's badge logo, information about the department and a picture of a patrol car, it features comments that Creech ascribes to people he taped on a cassette recorder during police stops.

Creech said he first began taping the encounters to cover himself in case he was ever accused of misconduct, but

he later found many of the comments humorous.

"In the job that I do and many more do," he explained to The (Norfolk) Virginian-Pilot, "to be able to look back and laugh at situations where people belittle you for trying to help...threatening your family, job and livelihood because of the honorable profession you have chosen, it is actually a very nice release to let as many people as possible hear what actually is said to officers."

As of Aug. 10, Creech made the Web site inaccessible without a password. A disclaimer advises anyone who disapproves of its content to leave the page. "I have not once had a bad com-

ment about it until apparently someone somewhere in this county, who has a little pull, saw it," he said. "It is absolutely amazing to read my e-mail, and hear from several different people all in the same day asking to remove links, words, association, etc."

None of the individuals whose comments appear on the site are identified, except for their state or town, nor are they defamed, according to Sheriff's Office Chief Rodney Midgett. Since the site, which has been on the Internet since 1997, was created in Creech's home with his own equipment, the agency cannot tell him to take it down, said Midgett. "I certainly wouldn't do it myself, but I don't think we can stop

him," he said.

With no official policy to address the situation, Midgett said Sheriff Bert Austin and County Manager Terry Wheeler have asked interim County Attorney Bobby Outten for assistance. Whether or not Creech has the legal right to post such comments on the Internet, said Wheeler, it still may be inappropriate for him to do so.

Creech has "no business" putting such information on the Web, said Wheeler, adding that he has asked Mark Muscia, general manager of Kill Devil Hills Internet provider Beach Access, to remove the county seal from the site. The seal links visitors to the site with local county information.

Uniformly excellent



Officers from the Bridgewater, Mass., Police Department (l.) and the North Carolina Highway Patrol (r.) show off their best uniform finery, as winning entries in the 24th annual Best Dressed Police Department Competition, sponsored by the National Association of Uniform Manufacturers and Distributors. Bridgewater won in the under-



200-officer category, while North Carolina was deemed the best-dressed state agency. Also honored were the Las Vegas Metropolitan Police Department (over 200 officers), the Ulster County, N.Y., Sheriff's Office (county agency), and the Fort Myer, Va., Military Police Company (specialized agency).

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Bad moon rising

Utah study finds homicides,
other crimes rise under full moon

While it remains unclear whether any of the incidents involved werewolves, the number of homicides committed in Utah when the moon waxed full was significantly higher than on any other day, according to a study by the state's Bureau of Criminal Investigation that was released last month.

For the first time, the BCI will include in its quarterly crime reports for 2001 the findings from an 18-month period during which the agency tracked eight categories of crime — murder, manslaughter, rape, car theft, burglary, simple assault, aggravated assault and robbery — to see how many occurred during a full moon.

Based on its analysis, from January 1999 through the first six months of 2001, crime rose by 2.86 percent overall during a full moon. Manslaughters were found to be higher by 220 percent on those days and homicides during the study period were 53 percent higher under a full moon.

Data collected through June 30 showed four of the last six deaths ruled to be homicides or manslaughters to have occurred then. Nineteen homicides or manslaughters were recorded on full moons dating to January 1996, or four times as many as on other days.

"We just thought it would be interesting more or less to run the statistics and see what would happen," said Adrienne Sowards, a BCI criminal in-

formation and compliance specialist.

BCI provided no analysis of its statistical findings.

Although rape, motor vehicle theft and burglary were all higher during a full moon, some categories of crime did fall on those days. Simple assault, aggravated assault and robbery all decreased during the full moon, said the report.

"We tend to get a lot of weird calls on full moons," said Sandy police Lieut. Kevin Thacker.

Murray police Det. Rob Hall agreed. "There's always kind of been that superstition on a full moon," he told The Associated Press. "There's no concrete stats or facts, but on full moons you sometimes watch your step a little closer."

BCI also examined the incidence of domestic assaults on Super Bowl Sunday, and found that between Jan. 1, 1996, and Dec. 31, 2000, the number of reported domestic assaults on women by men nearly doubled on Super Bowl Sunday compared to all other days. The number of domestic assaults on common-law wives was nearly three times higher.

Thacker was quick to point out why. People often start drinking around noon on Super Bowl Sunday, he told The AP, even though kickoff isn't until several hours later. Alcohol plays a major role in most domestic assaults that day, he noted.

Civics lessons focus on profiling

Boston youths learned about their civic rights and responsibilities this summer in a program that also gave them a straightforward look at racial profiling and dealing with police stops.

The nonprofit initiative, called Citizen School, is sponsored by the state's Executive Office of Public Safety. Students ages 9 through 14 participate in apprenticeships which culminate in a final project called a "Wow," said Susan Posnitz, the state agency's general counsel.

"What we thought of was to incorporate what we in the Executive Office of Public Safety were doing on racial profiling with the concept of what Citizen Schools try to achieve," she told Law Enforcement News.

As part of the program, the children created a video to explain the state's new racial profiling law. Sponsored by Senator Dianne Wilkerson (D-Boston), the law requires police to note the race and gender of those issued traffic citations. Wilkerson was among the public officials whom participants queried for the project.

Talking about racial profiling is a good way to broach the topic of racism, said Boston Police Lieut. Brian

Greeley. "They have to learn what is a valid stop and what isn't," he told The Associated Press. "They will have to interact with officers at some point. They should know how to handle themselves in any situation."

It offered sound advice, agreed Darnell L. Williams, president of the Eastern Massachusetts Urban League.

"A lot of times it becomes easy to point fingers at the aberrant law enforcement personnel as opposed to looking at the scores of law enforcement personnel who are doing their jobs on a day-to-day basis," he told LEN. "If we take a look at the other side of the coin, that tells me that young people have rights, as well as their civil responsibilities. That sometimes gets lost in the process when we have excessive behavior."

The video, which is getting some final editing touches, will be shown at an event that will kickoff Massachusetts' public awareness campaign, said Posnitz. "They're learning how to create video," she said of the students, "and also a whole lot about the Legislature. They interviewed a senator, they drafted the questions, they sort of guided the concept of the video."

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Estabrook:

Arm our pilots now — among other steps

By Mark Estabrook

In order to restore faith immediately in our nation's air travel industry, it is time for the administrator of the Federal Aviation Administration and air carrier certificate holders to authorize the carriage of sidearms by all commercial airline pilots in the United States. Existing regulations permit such carriage (see Title 14, Chapter I, Subchapter F, Part 108), and training should begin at once.

Long-term firearm safety courses could become permanent fixtures of commercial airline pilot training. Carriage of such weapons should be mandatory, as it is for police officers, Secret Service details and sky marshals.

Critics will argue that an insane airline pilot might shoot someone. But think about it. A maniacal pilot can manipulate the controls to crash into any target he wants at anytime, so why don't we trust him with a firearm? Others may argue that an armed pilot could have his weapon taken from him and used to commit the very act of air piracy that we're trying to prevent, but I ask you: If you had been a passenger on board the American and United flights that crashed into the Pentagon, the World Trade Center and in Pennsylvania, would you have wanted your pilots to at least have had a fighting chance?

Of course you would.

If national policy dictates it, the technology now exists for handguns to be "imprinted" with the identity of the owner, so that the pilot would be the only one able to discharge the weapon.

Over-penetration in a pressurized cabin is another significant issue. To combat this, many ammunition manufacturers produce a specialized

frangible aluminum or plastic bullet that is designed to break up quickly on impact with solid objects. Since some frangible rounds turn to dust with no ricochet, and shoot more accurately than plated or jacketed bullets, pilots can safely put down hijackers in close quarters without penetrating our pressurized cabins.

Every time you board a plane, you put your faith and trust in the pilot. So why not trust him to protect the cockpit from hijackers? Although sky marshals have been used in passenger cabins in the past, they cannot absolutely protect the last layer of defense in any aircraft — the pilots in the cockpit. In addition, who would protect cargo pilots who fly widebody aircraft all over the world if we were simply to rely on sky marshals? As we have learned from the incidents at the World Trade Center and the Pentagon, it doesn't matter who or what is on board a large airliner, the end result is the same.

Here are some other long term solutions for a comprehensive security net that must be constructed:

¶ Bulkheads must be redesigned in future aircraft production to preclude any forced entry — either by mechanical or explosive penetration.

¶ Cockpit doors must be redesigned to replicate those on a bank vault. Solid steel pins should seal the door on all sides. Crews must be trained that the cockpit door will not be opened under any circumstances, up to and including the execution of hostages in the cabin. Bathrooms should be installed in the cockpit, and food can be served to the crews prior to departure and ovens installed in the cockpit for convenience.

¶ Armed air marshals should be stationed between the cockpit and the passengers, or aft of the cockpit entry door on cargo carriers. The use of air marshals should be redefined from now on. They should be deployed to protect the pilots in the cockpit and the citizens on the ground, rather than the passengers in the cabin. Therefore, all cargo carriers should use air marshals as well.

¶ Professional personnel earning professional

wages must be used at airport security checkpoints. Extensive training in interdiction techniques and new technologies are inevitable, but low-paid, uneducated security personnel should become a thing of the past.

¶ Deployment of better and more pervasive bomb-sniffing technology can be accomplished in short order throughout our nation's airports, and sniffing of every bag, both checked and carry-on, as well as every box shipped via cargo carriers, should be mandatory. Manual searches of every carry-on bag should be conducted.

¶ The federal government should cease and desist all attempts to "harmonize" FAA pilot licensing requirements and procedures with those of foreign governments. American citizens should be the only ones certified to carry passengers and cargo within our territory. Furthermore, the government should abandon attempts to ease existing cabotage laws — laws which protect American air and maritime commerce for reasons of safety, economics, national defense and labor. Recent events, combined with the Egypt Air incident, should tell Americans who they want piloting U.S. routes.

A national commitment to change the way aircraft are constructed should be made. Existing fleets of aircraft should be retrofitted within a defined time period, such as 24 months. But the last layer in our defensive shield should always be the armed pilots who sit at the flight controls. Identification of airline pilots authorized to carry weapons can be accomplished through fingerprint and retinal scanning technology, and their access controlled at selected entry points.

It's in all of our best interests — the immediate steps to protect our national commerce and transportation system. Granted, investment in an aviation security revolution is expensive, but what is the cost of terrorist attacks on U.S. targets? What price do you put on the other national security targets that would make the World Trade Center pale in comparison?

We should immediately jettison our liberal anti-gun notions when it comes to the protection of thousands of people's lives. Let's commit our American ingenuity to revolutionizing our aircraft and airport security measures. Failure to do so will exact a continuing drain on our nation's resources, economy and, most importantly, our humanity.

Other Voices

Editorial views from the nation's newspapers.

Stand up, America:

We overestimate the number and the power of terrorists.

They were good, but we're better.

"When it comes to public opinion, America is rather like a pendulum. We take a lot of wild swings from one extreme to the other before settling into the sensible middle. You can see the phenomenon in reaction to the Sept. 11 terrorist attacks. The nation has gone from ignoring the problem of terrorism to seeing terrorists under

every bed. It was much the same after the bombing of Pearl Harbor. We were expecting an attack by the Japanese any and every day. But just as the Japanese military didn't then have the capability of invading the mainland United States, so do terrorists have limitations. Americans would be wise to remember that. Understandably, in light of how the nation has been shaken by the mass murder of more than 6,000 people in New York and Washington, D.C., people now seem to think that the terrorist network reportedly headed by Osama bin Laden can strike anywhere, anytime. The terrorists have taken on an aura of omniscience and omnipotence. But that notion is a little misguided. These guys aren't rocket scientists. And there aren't millions of them. Investigators say terrorist cells remain in the country. Suspects already are being arrested; movements of the terrorists have been documented with remarkable speed. Since Sept. 11, authorities have detained some 76 people. Sympathizers who may have harbored and supported the terrorists are also being hunted down. The fact that the terror network has been so quickly traced indicates the men left a clear trail, even if some of them used stolen identities. What allowed the terrorists to succeed wasn't so much their skills as our own blindness to the threat they pose. Now our eyes have been opened. And it will be a job for all of us to be vigilant, to be alert, to be aware of suspicious activity — without unfairly branding anyone of Muslim heritage or Middle East descent as a terrorist. Undoubtedly the masterminds of the terror plot are clever. They knew how to exploit the weaknesses of a free society. Those weaknesses, paradoxically, are what make us strong. We must take care not to lose our essential character in the war on terrorism. We must also avoid the mistake of giving our enemies too much credit. So let's be realistic. They're good, but not that good. And we're better than we think."

Lancaster, Pa., Sunday News, Sept. 23, 2001

Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.



Terror attacks stir melting pot of bias crime

Once an offense against the community, bias-motivated crime is now an attack against the nation, say police chiefs who continue to respond to a wave of incidents against Arab-Americans and those suspected of being Muslim or from the Middle East in the week following the terrorist attacks on the World Trade Center and the Pentagon.

In New Jersey, at least 26 bias crimes have been directed at mainly Jews, Arabs and Indians, according to the state Division of Criminal Justice. Most were classified as "terroristic threats" and "harassment," said an agency spokeswoman, Emily Homaday.

One such threat, being investigated by police in Edison, was made against a Jewish man whose co-worker blamed the Jews for the World Trade Center disaster.

"This police department, and I'm sure all police departments within the United States, will protect citizens regardless of their country of origin, religion, or whatever," Chief Edward Costello Jr. told Law Enforcement News. "Those who commit bias crimes are playing into the hands of terrorists. They're aiding terrorists by doing that. If they would just sit back and realize

that, maybe they would take a different posture when it comes to people different from them."

Police in Somerset, Mass., arrested three teenagers on Sept. 19 who were charged with attempted murder after tossing a Molotov cocktail onto the roof of a convenience store they believed was owned by Arabs. The incident marked the first hate-crime prosecution in the city's history.

The teenagers, Craig Jennings, 18, Jeffrey Lizotte, 17, and a 16-year-old whose name was not released, started the evening out driving around with a flag on their car, said Chief James M. Smith. Later, they decided to throw rocks at the store's owner, and then made the firebomb.

"Thank God we were able to catch them right away, get these admissions, get this out to the community and to the news media that this happened," he told LEN. "We held a news conference that morning with town officials and stressed that this is not like our town. We're not going to tolerate it, and we are sending the message that anyone doing this can expect to be charged with the most serious crimes, and in this case, with attempted murder. We will prosecute anybody to the fullest extent

of the law. We're going to take this very seriously.

"This is a time — this community feels — we all need to be together and have understanding and work together against the real enemy, not people who are of different race or religion from us," Smith said. "Even if this man was an Arab, it doesn't mean he's a terrorist. Most of the people in the community are good people."

The store, Olde Village Convenience, was owned by Ashwin Patel, an Indian. "We are Hindu," said Patel, who is a U.S. citizen. "We do not even eat meat."

In Fargo, N.D., which is becoming the nation's second largest resettlement area, according to Police Chief Chris Magnus, educating and training personnel about how to handle bias incidents has taken on increased urgency. One recent situation involved a man who brandished a shotgun in front of a mosque. He apparently changed his mind, however, and put the weapon back in his car. There have also been less serious incidents in which people were harassed in "minor yet significant ways," Magnus told LEN.

What the city chose to do was hold a press conference including police,

elected officials and representatives from a human relations commission that was established last year, at which residents were told that their cooperation was expected and that any bias-related misconduct would not be tolerated.

It apparently worked, said Magnus, as there have been no further incidents.

A number of refugees from the Sudan have been resettled in Fargo, and as North Dakota's overall population drops, said Magnus, their significance increases. "These new citizens are important for a number of reasons, but now it's really important we have an environment that is not threatening, that is tolerant and aware of what the dangers are when we start painting with a broad brush anyone with a darker skin or different background, whether they be from the Sudan or any place."

Around the country, some 30 FBI field offices have opened about 90 investigations into alleged hate crimes against people perceived as being Muslims. Said Sherri Evanina, a spokeswoman for the bureau in Newark, N.J.: "We do take these concerns very seriously, and any bias crime that occurs will be vigorously investigated and prosecuted." In New York, there have been 10 separate bias-related attacks, said police.

Kevin P. Donovan, the FBI's top agent in New Jersey, observed: "It is inconceivable to me and to this agency that people of differing religious faiths would be vilified or threatened as a result of their beliefs. It is intolerable, it is criminal."

The most serious incident occurred in Mesa, Ariz., where a gunman fired at two gas station owners, killing the Sikh owner of one and wounding a Lebanese American who worked at the other. The suspect, 42-year-old Frank Roque, also fired into the home of a family of Afghan descent.

The incident brought swift condemnation from President Bush, who spoke out against the harassment during a visit to the Islamic Center of Washington. "Those who feel like they can intimidate our fellow citizens to take out their anger don't represent the best of America, they represent the worst of humankind, and they should be ashamed of that kind of behavior," he said.

Other incidents in days following the attack included:

Shots were fired on two different nights at an Antelope Valley, Calif., convenience store owned by a Syrian American. No one was injured; several of the shots missed the establishment, according to the Los Angeles County Sheriff's Office.

A 28-year-old Pakistani man was beaten by three men in Tulsa, Okla., who struck him as he walked into a gas station. The victim, Naveed Alam, had his jaw fractured.

In Texas, a regional terrorism task force had to be called in after a firebomb was thrown at a Denton mosque. No one was injured. More mosques were vandalized in Irving and Carrollton. In Dallas, a Pakistani man who was part owner of a grocery store was found shot dead there. Police have not determined a motive, but have notified the FBI.

An Islamic center in a Cleveland suburb sustained \$70,000 worth of damage after a man crashed his Ford Mustang through the doors. Police arrested Eric Richley, charging him with vandalism, burglary, felonious assault and drunken driving. The FBI is investigating the incident as a possible hate crime.

Seattle police arrested a 53-year-old Kenmore man who tried to set fire to the Islamic Idriss Mosque, fired a shot into the ground, then rammed his car into a utility pole before being apprehended.

Headlines are not enough

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Law Enforcement News

(93001)

A publication of John Jay College of Criminal Justice/CUNY

Right to privacy trumps NC chief's right to vote

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homeowner, as she is with her husband, she said, her address would still appear on the site. "Even if you are to then take your home and put it in a blind trust, it would still show since you were the last owner. There is 'no way around it,'" said Chambers.

Yet opting not to own a home is not the same as having to relinquish your ability to vote, she said. "Voter registration is a little different," Chambers said. "It is one of the cores of our rights in a democracy to get out and vote."

In the course of the research she did for her fight against the land-records site, Chambers said she spent an evening looking up anti-police sites on the Web. "One of the things the county commissioner said — and I'm sure he wishes he could swallow the words because they look pretty silly on paper — is that criminals don't own computers and wouldn't use them if they did," she said. "Well, okay then."

By typing in the key phrase "kill cop," said Chambers, she came up with a virtual "pep rally" for injuring police officers. One site had an actual photo of a police officer seamed in with a bull's eye over his head and blood dripping down his face.

"While that didn't tie directly into property records data bases, it was a

matter of, while you're there, wouldn't you want to know where that guy lived?" asked Chambers. "So here [it is] at your fingertips, you don't have to worry about being seen."

Although Chambers said she often feels alone in her fight, notwithstanding the support of her department, she is not. According to a recent article in The New York Times, which she said captures her plight, similar conflicts over privacy are emerging around the country.

In Pittsburgh, the Allegheny County Council is thrashing out a proposal to remove property owners' names from a Web site showing assessments. And in New Jersey, the ACLU has complained to the state's Division of Consumer Affairs about a site that lists the addresses of all those who need to be licensed by the state, including nurses, accountants and others.

"It's nice to know I'm not alone out there, although when I speak on this issue in this community, I feel like I'm out there alone," said Chambers. "I'm the bad guy." A local newspaper essentially called her a coward, she said, who should perhaps leave town. "My officers are 100-percent behind me and I applaud their courage to stand up for their safety. I'm not the one locking up the bad guys, they are."

Bomb threats roll in following WTC attack

Continued from Page 1

it is disarmed or detonated.

Murphy believes that harsher penalties should be imposed even in those cases where a bomb did not cause any injury. The courts, he said, have a tendency to be lenient under such circumstances. Bomb threats which are just "pranks" should also be treated with utmost seriousness now, he said.

"I think there should be a much greater penalty for that," said Murphy. "In today's world, you disrupt a corpo-

ration, you're costing them millions of dollars, if you disrupt them for just an hour. Not to mention, people could die of heart attacks in a bomb threat — especially after an incident like the one we just had. The stress level is going to be incredible on people during an evacuation."

Murphy added that while the technology is probably available to trace many of the bomb threats, the problem is that they are often traced to pay phones.

Around the nation in the aftermath of the attacks on the World Trade Center and the Pentagon, police responded to dozens of phony bomb threats, prompting officials at all levels to vow maximum punishment for those who forced evacuations.

¶ In Nevada, Churchill County District Attorney Arthur Mallory said he would seek the maximum sentence of six years to be imposed for those responsible for a bomb threat made at a Fallon casino and Wal-Mart store on

Sept. 11. According to local police, an employee at Stockman's Casino received a call from a woman who mentioned the bomb threat at Wal-Mart and said the casino had 20 minutes before the bomb planted there went off.

¶ New York Gov. George Pataki signed legislation making the planting of a fake bomb or making false bomb threats a crime punishable by up to seven years in prison. The law took effect immediately.

¶ In Arkansas, Gov. Mike Huckabee said he would direct the State Police to step up its efforts to find those who phoned in threats to two schools.

¶ Hundreds of people were evacuated from the Matheson Courthouse in Salt Lake City on Sept. 13 after the Salt Lake County Sheriff's Department received a bomb threat. After six hours of searching, a suspicious-looking briefcase was detonated. The briefcase, after being destroyed, yielded no sign of anything dangerous. Earlier that day, bomb technicians found a suspicious device on a Utah Transit Authority bus, which turned out to be a howling pin wrapped in a foam-like material. Police dispatchers also received a bomb threat at Salt Lake City International Airport.

¶ A memorial prayer service in Kansas City, Mo., to honor the victims of the terrorist attacks was postponed a week after a bomb threat on Sept. 13 forced the evacuation of City Hall.

¶ In San Diego, approximately 470 visitors were evacuated from the city's world-famous zoo after a threat was phoned in. Nothing was found after 50 police officers with bomb-sniffing dogs searched the area.

¶ New Mexico officials closed down and evacuated non-essential personnel from nuclear laboratories, government buildings and military bases on Sept. 11, although Gov. Gary Johnson said the state was in no danger of a terrorist attack. Kirtland Air Force Base was put at its highest state of readiness, a "Threaten Delta Alert Condition."

¶ A Virgin Airlines Boeing 747 bound for New York with 314 people aboard was forced to make an emergency landing in Newfoundland after a bomb threat was made against the airplane. Four Canadian F-18 jet fighters were scrambled to escort the plane down safely to a commercial-military airport in Goose Bay, where a Royal Canadian Mounted Police bomb squad examined the plane and hundreds of pieces of luggage. No bomb was said to have been found.

¶ Some 900 airport employees were evacuated from a hangar in San Antonio, while more than 200 federal employees were forced from the Federal Building due to bomb threats. There was no evidence of a device in either case.

¶ Fort Worth's county, municipal, federal, civil and family court buildings were evacuated by order of the police on Sept. 12 after a call received at 9 a.m. said bombs would go off in an hour. It was one of several hoaxes, which included threats made to a church, a high school and two bus stations.

¶ In Oregon, the state's capitol building in Salem was evacuated on Sept. 11 after a bomb threat was phoned in to State Police.



Boston police clear the area outside the Westin Hotel on Sept. 12, as the bomb squad worked inside the building with police and federal agents searching for suspects in the hijackings of two airliners from Boston that were crashed into the World Trade Center in New York the day before. (Reuters)

Reserve strength:

Mobilization will siphon police ranks

Continued from Page 1

comes to work tired is a safety risk to everybody else."

While 10 percent of the Rutland County Sheriff's Department serve as reservists, that figure, said Elrick, is lower than that of the state's other 13 sheriff's agencies. In both the Chittenden County and Washington County sheriff's offices, perhaps 20 to 25 percent of their ranks have some military connections, he said.

"The impact will be there, and in some departments it will be more substantial than others," said Elrick. "It's going to pull people out of positions and it comes at a time when the sheriff's departments are being called on in all counties to be more visible, more proactive, we've got heightened security contracts. At a time when we're being asked to do more and more and more, we're going to be required to do that with less."

In South Carolina, "we're having a real rough time even getting enough officers to fill the slots now," said J.C. Rowe, executive director of the state's chiefs association. "Getting a law enforcement officer now is not the easiest thing in the world. We're going to have to step up our recruiting in some way."

Calling up reserves is "definitely going to effect law enforcement in this state," he told LEN. "I was just talking to one of the local chiefs. Out of 27 officers, two have already been called."

Said Chief M.E. Sealy Jr. of the

Forest Acres, S.C., Police Department: "The larger departments can handle it easier than the smaller departments." His 24-member agency has already lost one of its four dispatchers.

"We had a guy in the Coast Guard go," Sealy told LEN. "I got some officers, they haven't been called up yet, but I had one go during Desert Storm, so there's a possibility he may go, and some of the others."

Five officers from the Lake Worth, Fla., Police Department and one from West Palm Beach were called to active duty, leaving their agencies short-handed. "It definitely does put a crimp on us because we're a smaller agency," said Lake Worth Lieut. Susan Wellborn. Three of the officers will serve for 30 days with the Coast Guard, and the three in the Army Reserve will serve at least two weeks. Another will be called up by the Florida National Guard, she said.

The loss of personnel will mean that for two days a week, there will be no full-time traffic officers.

In West Palm Beach, as many as 11 officers could be called into active duty, said Dena Peterson, a police department spokeswoman. "This just hits so close to home," she told The Palm Beach Post.

Between Army reservists and the Air National Guard, the Fargo, N.D., Police Department could potentially lose 19 of its 100 sworn officers. So far, 10 have been called to active duty with the 119th Fighter Wing of the Air

National Guard.

"Even prior to this, we were having some staffing challenges," said Chief Chris Magnus. "We're staffed pretty light as it is. Based on the size of our population, we're at about 1.1 officers per thousand residents, which is pretty low compared to the other averages. And we've been hit by the predictable problem that everyone is having of a lot of open positions due to the challenges of the job market. We have a patrol force that's authorized at 108 and out of that we have six or so people in training and then there are another five vacancies on top of that. Down 11, plus the 10 that are gone, that's 20, so that's hitting us hard."

The department is looking at a number of different options to provide coverage. The first goal is to combine reassignment of personnel out of less critical positions with a "judicious use of overtime," Magnus told LEN. "That's a tough one, because everything we're doing we think is important." Should the department lose another 9 or 10 officers to the military, it might have to look at going to an alternative schedule, changing vacations and other measures which Magnus said he would "just as soon not have to do."

Unlike these smaller agencies, the Los Angeles Police Department, which has over 600 employees in the reserves, is not concerned about coverage. The LAPD will backfill with overtime, said Lieut. Horace Frank. "It's not a problem and I say that because we think it's

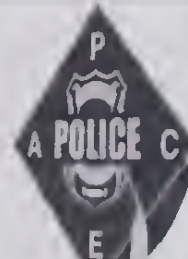
a very noble thing that as a department, we have employees who can contribute in that way."

Of the 653 members of the department who are reservists, 600 are sworn personnel and the rest civilian employees, Frank told LEN. The LAPD's main concern is providing community safety and making sure that the deployment of officers in the field remains constant.

he said. "Keep in mind that of the 600 or so sworn officers, not all of them will necessarily be on patrol. Some are in administrative positions," said Frank.

Despite these issues, law enforcement officials are not hemoaning the loss of personnel. Said Sealy: "It will all work out, I think everyone is going to pitch in. We've never had anyone complain."

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New duties, new problems

Some cops switch uniforms as Reserve call-ups tap into the ranks of manpower-strapped police agencies.

See Page 1.



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What They Are Saying:

“As soon as I saw the terrorist acts on Tuesday, I had a feeling I would get the call.”

— Pittsburgh Police Chief Robert W. McNeilly, who is also a petty officer in the Coast Guard Reserve, after he, like many others in law enforcement, was called to active duty for 30 days. (Story, Page 1.)